

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRIAN SCOTT PATE, #229 345

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Petitioner,

*

v.

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1:06-CV-500-MHT

TERRANCE MCDONNELL, WARDEN,
et al.,

*

*

Respondents.

ORDER ON MOTION

On February 21, 2006 the United States District Court for the Southern District of Alabama entered an order directing Petitioner to pay the \$5.00 filing fee on or before March 7, 2006. Petitioner was cautioned that his failure to pay the filing fee would result in a Recommendation that this petition be dismissed for failure to prosecute. (*See* Doc. No. 3.) A review of the court docket does not reflect that the court-ordered filing fee has been paid.

Accordingly, it is ORDERED that:

1. On or before June 19, 2006 Petitioner shall SHOW CAUSE why this petition should not be dismissed for his failure to comply with the order of the court entered on February 21, 2006; and

2. Except to the extent that payment is required under this order, Petitioner's motion for leave to proceed *in forma pauperis* (Doc. No. 2) is GRANTED. Petitioner is cautioned

that his failure to comply with this order will result in a Recommendation by the undersigned that the instant petition be dismissed.

Done, this 7th day of June 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE